IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY APPLICATION No. 101 of 2007
In
COMPANY PETITION No. 4 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GAYAPRASAD RAMGARIB YADAV - Applicant(s)
Versus
O.L. OF CHOKSI TUBES CO. LTD. - Respondent(s)

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Appearance :
MR TR MISHRA for Applicant(s) : 1,MR UT MISHRA for Applicant(s) : 1,
OFFICIAL LIQUIDATOR for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 02/03/2007

ORAL JUDGMENT

Leave to produce on record the award passed by the Labour Court, Ahmedabad in Reference (LCA) No.568 of 1999.

2. Heard Shri Mishra, learned advocate appearing on behalf of the applicant and Shri JS Yadav, learned advocate appearing on behalf of the Official Liquidator.

3. By way of this Judges summons, the applicant claiming to be the ex workman of the company in liquidation i.e. CHOKSI TUBES CO. LTD. has prayed for an appropriate permission to proceed and conduct the Recovery Application No.9 of 2007 filed pursuant to the award passed in Reference (LCA) No.568 of 1999 pending before the Labour Court, Ahmedabad.

4. Having heard the learned advocates appearing on behalf of the respective parties and considering the fact that the respondent company i.e. CHOKSI TUBES CO. LTD. is ordered to be wound up by order dated 11-9-2006 and the judgment and award passed by the Labour Court is as such prior to the order of winding up, permission as prayed for under section 446 of the Companies Act, 1956 in favour of the applicant to proceed and conduct the Recovery Application No.9 of 2007 filed pursuant to the award passed in Reference (LCA) No.568 of 1999 pending before the Labour Court, Ahmedabad is hereby granted on condition that the applicant should join the Official Liquidator of the company in liquidation in the proceedings before the Labour Court and reasonable time be granted to the Official Liquidator to defend the same and on further condition that any order that may be passed by the Labour Court in recovery application shall not be implemented without the prior permission of this Court. By granting of such permission, it may not be construed that this Court has confirmed the judgment and award passed by the Labour Court, Ahmedabad and it is always open for the Official Liquidator to challenge the said judgment and award before appropriate forum.

5. With this, the present application is disposed of. No costs.

(M.R. SHAH, J.)

shekhar